



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: August 2, 2007 **REPORT NO. PC-07-105**

ATTENTION: Planning Commission, Agenda of August 9, 2007

SUBJECT: HARTWELL RESIDENCE - PROJECT NO. 107139.
PROCESS THREE APPEAL

REFERENCE: Hearing Officer Report, HO-07-078, May 23, 2007

OWNER: Corlan Hartwell

APPLICANT: Mark Christopher

SUMMARY

Issue(s): Should the Planning Commission deny an appeal of the Hearing Officer's approval of a Coastal Development Permit to allow the construction of a 3,836 square foot, three-story, over basement single family residence?

Staff Recommendation:

1. CERTIFY Negative Declaration No. 107139;
2. DENY the appeal and APPROVE Coastal Development Permit No. 356208.

Community Planning Group Recommendation: On March 1, 2007, the La Jolla Community Planning Association voted 11-0-0 to approve the project with no conditions (Attachment 10).

Environmental Review: Negative Declaration No. 107139 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines.

Fiscal Impact Statement: All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: On April 3, 2006, the Neighborhood Code Compliance Department received a complaint regarding removal of more than 50% of the exterior walls which is a violation of the ministerial permit (Coastal Exemption). The applicant was asked to stop all work and was required to apply for a Coastal Development Permit.

Housing Impact Statement: None. The proposed new residence replaces an existing residence. There are no additional dwelling units proposed.

BACKGROUND

The project site is 0.151 acres and is located at 7024 Vista del Mar in the RS-1-7, the Coastal Overlay (appealable), Coastal Height Limitation Overlay and Beach Impact Parking Overlay Zones within the La Jolla Community Plan (Attachment 2).

This site was issued a ministerial building permit (Coastal Exemption) on June 7, 2005, Permit No. 158035, to extensively remodel the existing first floor and construct additions which included a basement as well as second and third stories. The ministerial permit required that 50% of the existing exterior walls be maintained as part of the Coastal Exemption. During the demolition and grading, more than 50% of the exterior walls were removed and the applicant was required to stop all work and apply for a Coastal Development Permit. Other than a few feet of wall framing on the site, the entire residence was demolished. The Coastal Development Permit is required to construct the proposed three-story residence with a basement.

On May 23, 2007, the Hearing Officer reviewed the proposed project and staff's recommendation of approving the Coastal Development Permit. The Hearing Officer certified Negative Declaration No. 107139 and approved Coastal Development Permit No. 356208.

DISCUSSION

Project Description:

The proposed project is the construction of a 3,836 square foot, three-story over a basement, single family residence on a now vacant 6,614 square foot lot.

The project had been designed to comply with the 30 foot height limit with the height of the new residence being 28 feet. The proposed Mexican Colonial residence will contain, five bedrooms, six bathrooms, living room, dining room, kitchen, office, media room, game room, library and family room and attached two car garage. The exterior elevations will be designed with stone veneers, stone columns, cement siding and wood stain windows. Site improvements will include fencing, walls, landscaping and pool.

Prior to any excavation, the lot had approximately two feet of grade differential. The excavation began through the previously approved ministerial Building Permit No. 158035. The total grading will consist of approximately 11.5 feet of cut and 1,210 cubic yards of exported soil.

Community Plan Analysis:

The proposed construction is for a new single family residence, located within the La Jolla Community Plan area. The land use designation is for single family residential at 5-9 dwelling units per acre. The proposed residence is consistent with this land use designation. The policy recommendations of the La Jolla Community Plan are to promote good design and harmony within the visual relationships and transitions between new and older structures, and ensure that residential development complies with the landscape and streetscape guidelines.

The character of the existing neighborhood consists of a variety of architectural styles and sizes of residential homes. The proposed height for the residence is under the 30 foot height requirement, and the relative bulk and scale is consistent with the neighborhood development. The proposed residence includes high quality materials such as stone and tile roofing. The exterior stairs on the proposed new residence are located to the rear of the property and are within the coverage and floor area ratio requirements of the Land Development Code and are consistent with the overall community character. The streetscape for the new residence is proposing to maintain the same prevailing street tree, a queen palm, to be compatible with the existing streetscape. The proposed new residence as designed meets the goals and policies of the La Jolla Community Plan for residential development.

Environmental Analysis:

The City of San Diego conducted an Initial Study and determined that the proposed project will not have a significant environmental effect and therefore a Negative Declaration has been prepared in accordance with State of California Environmental Quality Act (CEQA) guidelines.

The site is located in Geologic Hazard Zone 53, which is defined as other level areas, generally sloping to steep terrain and/or favorable geologic structure with a low risk. Proper engineering design and utilization of standard construction practices would ensure that the potential for impacts from geologic hazards would be less than significant.

The site is in an area identified for finding archaeological and paleontological resources, however, grading has taken place under a previously approved ministerial permit and the material has been removed, therefore, no monitoring would be required.

The residence that was removed was over 45 years old, however, prior to the removal it had been determined that the structure has not been associated with any important events or individuals, did not embody the distinctive characteristics of a type, period, or method, did not represent the work of a master architect or builder and did not possess high artistic value.

APPEAL ISSUE:

The appellant, John M. Beaver, a neighbor residing at 325 Belvedere Street, filed an appeal on June 7, 2007 (Attachment 9). The issue identified in the written appeal to the Planning Commission is related to the land use language of the adopted La Jolla Community Plan and Local Coastal Program Land Use Plan in regards to;

1. Character

Staff response: The goal of the La Jolla Community Plan is to provide a high quality residential environment, promote the development of a variety of housing types and styles and encourage redevelopment allowing a harmonious relationship to exist between the bulk and scale of new and older structures. Within a 300 foot radius of the subject parcel there is a variety of architectural styles, sizes and ages of residences. The proposed Mexican Colonial residence is proposing high quality materials, including stone veneers, stone columns, tile roofing and wood stain windows that are similar to those in the area. In addition, the proposed residence is consistent with height, coverage and floor area ratio in the neighborhood.

2. Compatibility and preserving elements, specifically Bulk and Scale

Staff response: The proposed bulk and scale of the proposed residence, as mentioned above, is consistent with the relative bulk and scale of the existing neighborhood. There are several homes on parcels larger than the subject parcel and residences that are larger than the proposed residence. The proposed residence is maintaining a prevailing queen palm street tree to fit into the existing streetscape character. The street tree will help smooth the transition from the older to new residences by providing an important design element of continuity. There are other trees proposed in the landscape plan on the site, out of the street right of way, which will further soften the architecture and fit into the neighborhood. The proposed residence is compatible with the neighborhood and complies with all of the Land Development Regulations including coverage, height, floor area ratio and setbacks.

3. La Jolla Community Planning Association (LJCPA) denied approval of the project

Staff response: The vote submitted by the LJCPA dated March 1, 2007, approved the project by a unanimous vote of 11-0-0 (Attachment 10).


CONCLUSION:

Staff has reviewed the proposed Coastal Development Permit application and determined that it complies with all the applicable sections of the Municipal Code and that the required findings can be made (Attachment 8). The LJCPA voted unanimously to approve the project with no conditions (Attachment 10). Additionally, Negative Declaration No. 107139 was prepared in accordance with State of California Environmental Quality Act (CEQA) Guidelines. Staff recommends approval of the project as proposed.

ALTERNATIVES

1. **DENY** the Appeal and **APPROVE** Coastal Development Permit No. 356208, with modifications.
2. **APPROVE** the Appeal and **DENY** Coastal Development Permit No. 356208, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Edith Gutierrez
Project Manager
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan
6. Project Plans
7. Draft Permit with Conditions
8. Draft Resolution with Findings
9. Copy of Appeal
10. Community Planning Group Recommendation, March 1, 2007
11. Ownership Disclosure Statement
12. Project Chronology
13. Pages 81, 84 and 90 of the La Jolla Community Plan 2004